

**Lexington Fayette Urban County Government**  
**Administrative Hearing Board Finding of Fact Form and Final Order**

Date of Hearing: 02/22/2017

Hearing Officer: JOHN TACKETT

Case number: 20671053#46

Address: 1053 WINBURN DR

Owner: 1840 MCCULLOUGH AVENUE LLC

Present /Not Present

Person Representing Property Owner: \_\_\_\_\_

Daniel Weeks

Legal Standing: \_\_\_\_\_

Property owner

Issuance Date of Civil Penalty: \_\_\_\_\_

Case Officer: ROBERT WALTER

Pre-January 2017 only, Notice of Violation: ☐ Nuisance ☐ Housing ☐ Sidewalk

☐ Housing with \$ 300.00 Civil Penalty Amount

☐ Nuisance with \$ \_\_\_\_\_ Civil Penalty Amount

☐ Sidewalk with \$ \_\_\_\_\_ Civil Penalty Amount

☐ Emergency Abatement \$ \_\_\_\_\_ ☐ Nuisance ☐ Housing

☐ Other: \_\_\_\_\_ \$ \_\_\_\_\_ Civil Penalty Amount

**Findings of Fact:**

☒ Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

\_\_\_\_\_ A violation(s) of the Ordinance was not committed. To Wit: \_\_\_\_\_

☒ A violation(s) of the Ordinance was committed. To Wit: Property Violations  
existed. Property owner requested 30 days to  
make repair.

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**Conclusions of Law**

The civil penalty is:

Upheld

Dismissed

Other

Notes: \_\_\_\_\_

- 30 days to correct

**Civil Penalty Assessed**

1) Appellant is assessed a civil penalty of \$ \_\_\_\_\_. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.


**Civil Penalty held in abeyance**

2) Appellant is granted 30 days from service of notice of this Order within which to remedy the violations to avoid the assessment of a civil penalty of \$ 300.00. The appellant shall contact the Case Officer and request a conformation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: \_\_\_\_\_

**Civil Penalty assessed in part with remaining balance held in abeyance**

3) Appellant is assessed a civil penalty of \$ \_\_\_\_\_, and is ordered to remedy the violation within \_\_\_\_\_ days from service of this Order, and in the event he/she fails to do so, an additional amount of \$ \_\_\_\_\_ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.  
Notes: \_\_\_\_\_

**\*\*Notice: Has indicated in Kentucky Revised Statue 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**

 2-22-17  
Hearing Officer's Signature Date

\_\_\_\_\_  
Supplementary Page  
Completed

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**Supplementary Notes (If Needed)**

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Hearing Officer's Signature

Date





Lexington-Fayette Urban County Government  
DEPARTMENT OF PLANNING, PRESERVATION & DEVELOPMENT

Jim Gray  
Mayor

Derek J. Paulsen, Ph.D.  
Commissioner

DIVISION OF CODE ENFORCEMENT

11/03/2016

**NOTICE OF VIOLATION AND ASSESSMENT OF CIVIL PENALTY**

1840 MCCULLOUGH AVENUE LLC C/O TRAVIS STEFFENS  
2563 15TH ST UNIT 104  
DENVER, CO 80211

CASE#: 20671053#46


On 06/07/2016, the property located at 1053 WINBURN DR #46 (AKA 1037-1085 WINBURN DR #46) was placed under Notice and Order for necessary repairs or corrections pursuant to Chapter 12 of the Code of Ordinance, Lexington-Fayette Urban County Government (The "Code") and the International Property Maintenance Code/1998. On 10/12/2016, I conducted a re-inspection of the property and found that the cited repairs or corrections had not been completed. Our records indicate that we have conducted 2 re-inspections and there were 6 uncorrected violations. You have been provided a reasonable amount of time to complete the cited repairs.

The purpose of this letter is to further notify you of your continued failure to correct the violations and to assess against you a civil penalty in the amount of \$300.00, pursuant to Section 12-1 (b) (PM-106.4.1) of the Code. You must pay this civil penalty or appeal this assessment in writing within twenty (20) days of the date of this notice. If you fail to do so, a civil penalty lien will be placed against the property in the amount of the civil penalty pursuant to KRS 82.720 and Chapter 12 of the Code. In order to remove the lien, the penalty plus all appropriate cost and interest must be paid.

Please pay the full amount of the civil penalty, or file an appeal in writing, to the Division of Code Enforcement, 101 E. Vine Street, Suite 500, Lexington, KY 40507. No appeals accepted via email. Please note that an appeal, in writing, must state the reason that the penalty should not be assessed. Please return a copy of this invoice with your payment to insure proper credit to your account. All checks should be made payable to the Lexington-Fayette Urban County Government and mailed to the following address:

Lexington-Fayette Urban County Government  
Division of Revenue, 2<sup>nd</sup> floor  
200 East Main St  
Lexington, KY 40507

Please note that as long as you fail to correct or repair the violations, additional civil penalties may be assessed pursuant to Chapter 12 of the Code. All repairs/corrections must be completed in a 'workmanlike' manner. In the event all repairs are not completed by 12/07/2016, an additional re-inspection of the property will take place, and additional civil penalties may be assessed against you, as appropriate. If you should have any questions, please contact:

  
ROBERT WALTER  
CODE ENFORCEMENT OFFICER  
(859) 576-4717

Date 11/3/16

 Date 11/3/16  
CODE ENFORCEMENT SUPERVISOR

Cc: Department of Law

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